



THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

1934

VOLUME 5
NUMBER 136

Washington, Saturday, July 13, 1940

## Rules, Regulations, Orders

### TITLE 17—COMMODITY AND SECURITIES EXCHANGES

#### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

##### PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

###### ADOPTION OF FORM U-A

*Amendment to § 250.2—Filing of Papers—Formal Specifications and Authorizations Respecting Applications—Verification of Applications—Waiver of Strict Compliance With This Rule—Amendments*

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof [Sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 791], and deeming that such action is appropriate to carry out the provisions of said Act, the Securities and Exchange Commission hereby adopts Form U-A<sup>1</sup> and amends § 250.2 [Rule U-2] by adding thereto paragraph (f), to read as follows:

(f) *Amendments.* Amendments to any application, declaration, report or statement shall be filed with a facing page on Form U-A, marked "adopted June 27, 1940."

Effective July 20, 1940.  
By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-2903; Filed, July 12, 1940;  
11:05 a. m.]

<sup>1</sup> Filed as a part of the original document.

### TITLE 26—INTERNAL REVENUE

#### CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 4982]

##### PART 171—MISCELLANEOUS REGULATIONS RELATED TO LIQUOR

##### BASIC PERMIT PROCEDURE UNDER FEDERAL ALCOHOL ADMINISTRATION ACT

##### To District Supervisors and Others Concerned:

SECTION 1. By virtue of and pursuant to the provisions of the Federal Alcohol Administration Act, as amended (U.S.C. Sup., Title 27), section 3170 of the Internal Revenue Code (53 Stat., part 1), and section 161 of the Revised Statutes (U.S.C., Title 5, Sec. 22), Part 171 of Title 26 of the Code of Federal Regulations is hereby amended by inserting between Subpart B (A) and Subpart (C) thereof a new Subpart, designated B (B), to read as follows:

##### Subpart B (B)—Basic Permit Procedure Under Federal Alcohol Administration Act

§ 171.4c *Delegation of functions to District Supervisors.* The power and duty heretofore vested in the Deputy Commissioner of the Bureau of Internal Revenue in charge of the Alcohol Tax Unit, by Treasury Department Order No. 30, dated June 12, 1940 (5 F.R. 2212), to issue, amend, deny, revoke, suspend and annul basic permits under the provisions of the Federal Alcohol Administration Act, shall continue to be exercised by him, and are also hereby delegated to District Supervisors of the Alcohol Tax Unit, to be exercised by them, subject to the supervision and direction of the said Deputy Commissioner.

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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§ 171.4d *Procedure*. Except as otherwise provided herein, the procedure prescribed by existing regulations for the issuance, amendment and denial of permits, issuance of citations, holding of hearings, revocation of permits, and appeals to the Commissioner under Part II of Subchapter C of Chapter 26 of the Internal Revenue Code is hereby extended to the issuance, amendment, denial, revocation, suspension and annulment of basic permits under the Federal Alcohol Administration Act, in so far as applicable and in so far as such procedure is not in conflict with the provisions of such Act. Appeals to the Deputy Commissioner in charge of the Alcohol Tax Unit from orders denying permits shall be taken in conformity with the procedure

applicable to appeals from orders revoking permits.

(a) An application for basic permit must be filed, and permit issued, to cover each individual plant or premises where any of the businesses specified in Section 3 of the Federal Alcohol Administration Act is engaged in, such application to be filed with and permit issued by the District Supervisor for the district wherein such plant or premises is located: *provided*, That in the case of persons engaged in the business of importing into the United States distilled spirits, wine or malt beverages, and in the case of persons engaged in the business of purchasing for resale at wholesale distilled spirits, wine, or malt beverages, only one basic permit shall be required, which basic permit shall be issued by the District Supervisor of the district wherein the applicant has his main office or place of business. In the case of importers or wholesalers maintaining branch offices or places of business, there shall be kept posted and available for inspection at all times in each such branch office or place of business a copy of the basic permit, and a copy of the basic permit shall also be filed with the appropriate District Supervisor.

(b) On or before September 1, 1940, basic permits in full force and effect authorizing the warehousing and bottling of distilled spirits at more than one bottling plant shall be superseded by separate permits covering each bottling plant, such permits to be issued as a matter of right upon the filing of application in proper form with the appropriate District Supervisor.

(c) In order to insure uniformity of administrative action no proceedings shall be instituted by a District Supervisor to revoke, suspend or annul any basic permit issued under the Federal Alcohol Administration Act unless and until a full report of the facts upon which such proceedings are contemplated has been forwarded to the Deputy Commissioner of Internal Revenue in charge of the Alcohol Tax Unit for review and his approval to the institution of such proceedings obtained.

(d) Any provisions of Regulations No. 1 Relating to the Issuance, Revocation, Suspension, and Annulment of Basic Permits, which are inconsistent herewith, are repealed to the extent of such inconsistency.

SEC. 2. These regulations shall take effect fifteen days after the date of filing with the Division of the Federal Register.

[SEAL] STEWART BERKSHIRE,  
Deputy Commissioner of  
Internal Revenue.

Approved, July 3, 1940.

GUY T. HELVERING,  
Commissioner of Internal Revenue.

July 9, 1940.

JOHN L. SULLIVAN,  
Acting Secretary of the Treasury.

[F. R. Doc. 40-2895; Filed, July 11, 1940;  
3:42 p. m.]

## TITLE 50—WILDLIFE

### CHAPTER I—BUREAU OF BIOLOGICAL SURVEY

#### PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

##### UPPER SOURIS MIGRATORY WATERFOWL REFUGE, NORTH DAKOTA

Pursuant to section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 7151), as amended, and to the President's Reorganization Plan No. II (53 Stat. 1431), the order of the Secretary of Agriculture, of August 19, 1936,<sup>1</sup> permitting fishing within the Upper Souris Migratory Waterfowl Refuge, North Dakota, is hereby revoked and the following is hereby ordered:

§ 29.919 *Fishing within the Upper Souris Migratory Waterfowl Refuge, North Dakota*. Until further notice, noncommercial fishing is permitted in certain waters of the Upper Souris Migratory Waterfowl Refuge, North Dakota, in accordance with the provisions of the regulations dated November 23, 1937,<sup>2</sup> for the administration of national wildlife refuges under the jurisdiction of the Bureau of Biological Survey, and subject to the following conditions and restrictions:

(1) *Waters open to fishing*. The following-described waters of the refuge shall be open to fishing by hook and line only (as defined by State law) each day during the period June 16 to September 15, inclusive, in any year:

*Area No. 1*. The Souris River channel beginning at the north end of the refuge and extending south to and including Mouse River Park.

*Area No. 2*. The waters adjacent to the east bank of the Souris River south of Dam No. 83 within the W $\frac{1}{2}$ NW $\frac{1}{4}$  of Sec. 6, T. 157 N., R. 84 W.

(2) *State fishing laws*. Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of North Dakota. In the event that fishing is found to be unduly depleting any species of fishes or is interfering with the use of any particular waters by migratory birds or other wildlife, the privilege of fishing will be further restricted or suspended by the Secretary, which restriction or suspension shall be effective three days after publication of notice thereof in the **FEDERAL REGISTER**.

(3) *Fishing licenses and permits*. Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the State of North Dakota, if such license is required. This license shall serve as a Federal permit for fishing in the refuge and must be carried on the person of the licensee while so fishing. The license must be exhibited upon request of any representative of the North Dakota Game and Fish Department.

<sup>1</sup> 1 F.R. 1155.

<sup>2</sup> 2 F.R. 2537; 50 CFR 12.

ment authorized to enforce the State game and fish laws or of any representative of the Department of the Interior.

(4) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge.

(5) *Use of boats.* The use of boats, rafts, or other floating devices while fishing within the waters of the refuge is prohibited except within fishing area No. 1. The use of motor boats, either in-board or outboard, is prohibited on all waters of the refuge except for official purposes.

E. K. BURLEW,  
*Acting Secretary of the Interior.*

JUNE 28, 1940.

[F. R. Doc. 40-2894; Filed, June 11, 1940;  
1:12 p. m.]

### Notices

#### DEPARTMENT OF THE INTERIOR.

##### Bureau of Reclamation.

#### CHANGE OF WITHDRAWAL FORM OF RECLAMATION WITHDRAWAL FROM SECOND TO FIRST FORM

##### SALT RIVER PROJECT, ARIZONA

JUNE 14, 1940.

#### The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the form of withdrawal of the following described lands, which were withdrawn from entry under the second form of Departmental Orders of July 2 and August 26, 1902, be changed from the second form to the first form, in accordance with the provisions of Section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388).

##### SALT RIVER PROJECT, ARIZONA

##### Gila and Salt River Meridian,

T. 1 N., R. 5 E., Sec. 3, Lots 3 and 4 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ .

Respectfully,

JOHN C. PAGE,  
*Commissioner.*

I concur: June 21, 1940.

FRED W. JOHNSON,  
*Commissioner of the General Land Office.*

Approved and the change as recommended is hereby ordered and the Commissioner of the General Land Office will cause the records of his office and of the local land office to be noted accordingly.

W. C. MENDENHALL,  
*Acting Under Secretary of the Interior.*

JUNE 29, 1940.

[F. R. Doc. 40-2893; Filed, July 11, 1940;  
1:12 p. m.]

#### General Land Office.

[Circular 1473]

#### REGULATIONS FOR THE SALE OF TOWN LOTS IN THE TOWN SITE OF BOULDER, UTAH

1. *Statutory authority.* The lots in the town site of Boulder, Utah, will be disposed of under Sections 2382 to 2386, Revised Statutes. The town site plat was accepted November 28, 1938.

2. *Acreage and price.* The acreage and minimum price of the lots which will be sold are as follows:

| Lot:    | Area | Appraisal |
|---------|------|-----------|
| 1.....  | 3.97 | \$24.00   |
| 2.....  | 2.42 | 32.00     |
| 3.....  | 2.46 | 22.00     |
| 4.....  | 2.51 | 18.00     |
| 5.....  | 2.53 | 18.00     |
| 6.....  | 2.50 | 27.00     |
| 7.....  | 2.13 | 22.00     |
| 8.....  | 3.34 | 33.00     |
| 9.....  | 3.35 | 42.00     |
| 10..... | 2.13 | 40.30     |
| 11..... | 2.50 | 36.00     |
| 12..... | 2.53 | 18.00     |
| 13..... | 2.52 | 15.00     |
| 14..... | 2.50 | 23.00     |
| 15..... | 2.13 | 31.00     |
| 16..... | 3.06 | 32.00     |
| 17..... | 0.93 | 26.60     |
| 19..... | 2.50 | 18.00     |
| 20..... | 2.51 | 15.00     |
| 21..... | 2.51 | 15.00     |
| 22..... | 2.50 | 18.00     |
| 23..... | 0.94 | 27.60     |
| 24..... | 2.96 | 55.40     |
| 25..... | 2.50 | 32.00     |
| 26..... | 2.50 | 17.00     |
| 27..... | 2.49 | 17.00     |
| 28..... | 2.50 | 46.00     |
| 29..... | 2.96 | 59.10     |
| 30..... | 1.57 | 40.50     |
| 31..... | 1.57 | 30.20     |
| 32..... | 1.57 | 42.05     |
| 33..... | 2.96 | 65.50     |
| 34..... | 2.50 | 46.00     |
| 35..... | 2.49 | 18.00     |
| 36..... | 1.84 | 26.00     |
| 37..... | 1.88 | 36.50     |
| 38..... | 1.52 | 41.00     |
| 39..... | 1.93 | 36.45     |
| 40..... | 1.02 | 20.40     |
| 41..... | 1.02 | 30.50     |
| 42..... | 1.03 | 21.95     |

3. *Public sale.* On Thursday, October 3, 1940, at 10:00 a. m., a sale at public auction to the highest bidder will be held at the town site of all lots for which preemption proof has not been made, as provided for hereinafter. The sale will be conducted from day to day under the supervision of the Commissioner of the General Land Office or his representative until all the lots shall be offered. The lots will be sold for cash and paid for on the date of sale. No lot will be sold for less than the appraised price.

4. *Preemption claims.* Any person who has established settlement on any lot prior to September 5, 1935, the date of the commencement of the survey in the field, and maintained such settlement to the date of proof, is entitled to make a preemption entry for such lot and one other lot on which he has made substantial and permanent improvements, at the minimum price. A preemption claim is not necessarily forfeited by the settler transferring his interest to another subsequently to accrual of the

right, but patent, if issued, will be in the name of the settler and not to the transferee.

The notice of intention to make preemption proof must be made on Form 4-348 and should give the date of settlement and the value and character of the improvements, and, in order that all bona fide preemption rights may be determined prior to the date of public sale, claimants should file their notices of intention in time to submit proof in advance of the sale.

On the filing of the notice of intention by the applicant, the Register will issue notice for publication, which the applicant must have published at his expense in four consecutive issues prior to the date set for the proof, in the "Garfield County News", a weekly newspaper published at Panguitch, Utah. Proof consisting of the affidavit of the applicant and of at least two of the advertised witnesses may be made before the Register of the District Land Office at Salt Lake City, Utah, or before any other officer authorized to take proofs under the homestead laws, and must show the claimant's age, his citizenship, and his actual residence upon one lot, and substantial improvements on a second lot, where two lots are included in the application. Proof of publication must be shown by the affidavit of the publisher. The purchase price of the lot or lots must be paid to the Register when the proof is made.

5. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under section 59 of the Criminal Code of the United States.

6. *Authority of superintendent.* The Commissioner's representative conducting the sale is hereby authorized to reject any and all bids for any lots, and, after all lots have been offered, he will not close the sale but suspend the same and make recommendations to this office as to whether the suspension should be continued or the sale closed. In the event the sale should be closed the unsold lots will then be subject to private sale at the appraised price.

FRED W. JOHNSON,  
*Commissioner.*

Approved July 1, 1940.

W. C. MENDENHALL,  
*Acting Assistant Secretary.*

[F. R. Doc. 40-2897; Filed, July 12, 1940;  
9:25 a. m.]

#### STOCK DRIVEWAY WITHDRAWALS NOS. 2 AND 5, COLORADO NOS. 2 AND 3, REDUCED

JULY 1, 1940.

Departmental orders of October 9, and November 17, 1917, October 11, 1923,

March 18, 1929, and September 3, 1931, establishing and modifying Stock Drive-way Withdrawals Nos. 2 and 5, Colorado Nos. 2 and 3, under section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, are hereby revoked, so far as they affect the following-described lands, which are within Colorado Grazing District No. 3, established April 8, 1935:

*New Mexico Principal Meridian*

T. 47 N., R. 1 W.,  
W $\frac{1}{2}$  sec. 4, NW $\frac{1}{4}$ , S $\frac{1}{2}$  sec. 9, SW $\frac{1}{4}$  sec. 10,  
W $\frac{1}{2}$  sec. 15, N $\frac{1}{2}$ , SE $\frac{1}{4}$  sec. 22, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 25, W $\frac{1}{2}$  sec. 26,  
NE $\frac{1}{4}$  sec. 27, W $\frac{1}{2}$  sec. 35;  
T. 48 N., R. 1 W.,  
lots 3 and 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , sec. 3,  
W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$  sec. 6, W $\frac{1}{2}$ E $\frac{1}{2}$ ,  
E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 7,  
W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$   
sec. 10, E $\frac{1}{2}$  sec. 15, W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ,  
NW $\frac{1}{4}$ NW $\frac{1}{4}$  sec. 18, W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$   
sec. 19, E $\frac{1}{2}$  sec. 22, W $\frac{1}{2}$ W $\frac{1}{2}$  sec. 26,  
E $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$  sec. 27, S $\frac{1}{2}$  sec. 28, S $\frac{1}{2}$  sec.  
29, E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$  sec. 30, E $\frac{1}{2}$  sec. 32,  
SW $\frac{1}{4}$  sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 34,  
NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 35;  
T. 49 N., R. 1 W.,  
SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$   
SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 5, W $\frac{1}{2}$  sec. 19,  
W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$  sec. 26, W $\frac{1}{2}$   
sec. 30, W $\frac{1}{2}$  sec. 31, W $\frac{1}{2}$  sec. 35;  
T. 48 N., R. 2 W.,  
SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$  sec.  
1, lots 9 to 16, inclusive, NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SE $\frac{1}{4}$  sec. 2, lots 9 and 16, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
W $\frac{1}{2}$ E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$  sec. 3, NE $\frac{1}{4}$ NE $\frac{1}{4}$  sec.  
10, W $\frac{1}{2}$  sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$  sec. 12, W $\frac{1}{2}$   
sec. 14, W $\frac{1}{2}$  sec. 23, W $\frac{1}{2}$  sec. 26, SE $\frac{1}{4}$   
sec. 34, W $\frac{1}{2}$  sec. 35;  
T. 49 N., R. 2 W.,  
SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  sec. 9, W $\frac{1}{2}$ SW $\frac{1}{4}$  sec.  
10, W $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  sec.  
15, E $\frac{1}{2}$ W $\frac{1}{2}$  sec. 22, E $\frac{1}{2}$ E $\frac{1}{2}$  sec. 33, W $\frac{1}{2}$   
W $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 34;  
aggregating 13,643.84 acres

W. C. MENDENHALL,  
Acting Assistant Secretary  
of the Interior.

[F. R. Doc. 40-2898; Filed, July 12, 1940;  
9:25 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Surplus Marketing Administration.

[Docket No. A-136 O-136]

NOTICE OF HEARING WITH RESPECT TO  
PROPOSAL TO AMEND TENTATIVELY AP-  
PROVED MARKETING AGREEMENT, AS  
AMENDED, AND ORDER NO. 22, AS AMEND-  
ED, REGULATING HANDLING OF MILK IN  
CINCINNATI, OHIO, MARKETING AREA

Whereas, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture, hereinafter called the "Secretary", tentatively approved, on April 22, 1939, a marketing agreement, as amended, and thereafter issued an order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area, effective May 13, 1939; and

Whereas, amendment of the tentatively approved marketing agreement, as amended, was tentatively approved by the Secretary on November 4, 1939, and the Secretary issued an amendment to said order, as amended, effective November 24, 1939; and

Whereas, certain handlers, the K. I. O. Milk Producers' Association, the Milk Producers' Union, and the Cooperative Pure Milk Association have proposed certain amendments to said tentatively approved marketing agreement, as amended, and said order, as amended; and

Whereas, the Secretary has reason to believe that an amendment of said tentatively approved marketing agreement, as amended, and said order, as amended, will tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937; and

Whereas, under the aforesaid act, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice and opportunity for hearing upon amendments to marketing agreements and orders:

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on said proposals to amend the tentatively approved marketing agreement, as amended, and Order No. 22, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area, at the Hotel Netherlands-Plaza, Cincinnati, Ohio, beginning at 10:00 a. m., e. s. t., on July 17th, 1940.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) including a base rating plan of payment in said agreement and said order, (2) revising the computation of the uniform price of milk, (3) revising the method of computing the quantity of milk in each class, (4) revising the class prices of milk, (5) revising the butterfat differential, (6) clarifying the provision relative to the pricing of milk sold outside the marketing area, and (7) revising the method of computing the value of milk for each handler, and as to the specific provisions which such amendments should contain.

Copies of the proposed amendments to said tentatively approved marketing agreement, as amended, and said order, as amended, may be obtained from the Hearing Clerk, Office of the Solicitor, Room 0310 South Building, United States Department of Agriculture, Washington, D. C., or may be there inspected.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

Dated, July 11, 1940.

[F. R. Doc. 40-2905; Filed, July 12, 1940;  
11:25 a. m.]

## TERMINATION OF LICENSE FOR MILK

### TOPEKA, KANSAS, SALES AREA

Whereas H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the terms and provisions of Public Act No. 10, 73d Congress, as amended, for the purpose and within the limitations therein contained and pursuant to the applicable General Regulations issued thereunder, did, on the 3d day of November, 1934, issue a License for Milk—Topeka, Kansas, Sales Area, effective the 10th day of November, 1934, which license was amended on June 14, 1935 and July 16, 1935, and was suspended August 16, 1936; and

Whereas the Secretary of Agriculture has determined to terminate the said license as amended;

Now, therefore, H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the terms and provisions of Public Act No. 10, 73d Congress, as amended, and as reenacted and further amended by the Agricultural Marketing Agreement Act of 1937 hereby terminates the License for Milk—Topeka, Kansas, Sales Area, as amended.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States of America, has executed this termination in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 11th day of July, 1940, and hereby declares that this termination shall be effective on and after July 31, 1940.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 40-2906; Filed, July 12, 1940;  
11:25 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued pursuant to Section 14 of the said Act and § 522.5 (b) of Regulations Part 522 (4 F.R. 2088), as amended (4 F.R. 4226), to the employers listed below effective July 12, 1940. These Certificates are issued upon their representations that experienced workers for the learner occupations are not available and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. These Certificates may be canceled in the manner provided for in § 522.5 (b) of the Regulations and as indicated on the Certificate. Any person aggrieved by the

issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of § 522.5 (b). The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE.

Kortright, Nehring & Weaver, Inc., Springdale Street, Cumberland, Maryland; Cut and Engraved Glassware; 2 learners; 8 weeks for any one learner; 25¢ per hour; Glass Cutter; November 15, 1940.

The Marion Glass Manufacturing Company, 125 Leader Street, Marion, Ohio; Cutglass Tableware; 6 learners; 8 weeks for any one learner; 25¢ per hour; Glass Cutter; September 20, 1940.

Mid-West Photo Service, 302 North Main Street, Janesville, Wisconsin; Developing of Camera Films, Printing of Pictures; 10 learners; 4 weeks for any one learner; 25¢ per hour; Snapshot colorist; September 20, 1940.

Sloan Glass Company, West Md. R. R. Betw. Baltimore & Market Street, Cumberland, Maryland; Cut Glass Stemware; 2 learners; 8 weeks for any one learner; 25¢ per hour; Glass Cutter; November 15, 1940.

Superior Typewriter Company, 125 Church Street, New York, New York; Rebuilding Typewriters; 1 learner; 12 weeks for any one learner; 25¢ per hour; Rebuilding and repairing typewriters; July 12, 1941.

Signed at Washington, D. C., this 11th day of July 1940.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 40-2891; Filed, July 11, 1940; 12:02 p. m.]

#### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued under Section 14 of the said Act and § 522.5 of Regulations Part 522, as amended, to the employers listed below effective July 12, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the

issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of §§ 522.13 or 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and minimum wage rates specified in the Determination or Order for the Industry designated below opposite the employer's name and published in the FEDERAL REGISTER as here stated:

Regulations, Part 522, May 23, 1939 (4 F.R. 2088), and as amended October 12, 1939 (4 F.R. 4226).

Hosiery Order, August 22, 1939 (4 F.R. 3711).

Apparel Order, October 12, 1939 (4 F.R. 4225).

Knitted Wear Order, October 24, 1939 (4 F.R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531), as amended, April 27, 1940 (5 F.R. 1586).

Glove Order, February 20, 1940 (5 F.R. 714).

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE.

Beautee-fit Co., Inc., 860 South Los Angeles Street, Los Angeles, California; Apparel; Brassieres; 3 learners (25¢ per hour); October 24, 1940.

Carroll Dorn Garment Co., 332 West 9th Street, Kansas City, Missouri; Apparel; Wash Dresses & Smocks; 5 learners; October 24, 1940.

G & W Pants Company, 76 Mechanic Street, Norwich, Connecticut; Apparel; Men's Pants; 5 percent; October 24, 1940.

J. H. Stern Garment Co., Hummelstown Street, Elizabethtown, Pennsylvania; Apparel; Dresses; 5 learners; October 24, 1940.

Lee Manufacturing Co., Inc., Shreveport, Louisiana; Apparel; Work Shirts & Pants; 5 learners; October 24, 1940.

Morgan Mfg. Company, Montebello, California; Apparel; Ladies' Slacks and Blouses; 5 learners (25¢ per hour); October 24, 1940.

Marso & Rodenborn Mfg. Co., 700-702 First Avenue, North, Fort Dodge, Iowa; Glove; Work Gloves; 5 learners; October 24, 1940.

Signed at Washington, D. C., this 11th day of July 1940.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 40-2892; Filed, July 11, 1940; 12:02 p. m.]

PRIMA FACIE DETERMINATION IN THE MATTER OF APPLICATION OF THE COMMITTEE OF THE LOUISIANA RICE INDUSTRY FOR THE EXEMPTION OF THE MOVEMENT TO STORAGE AND THE RECEIVING INTO STORAGE OF ROUGH SOUTHERN RICE FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE

Whereas, application has been filed by the Committee of the Louisiana Rice Industry for the exemption of the movement to storage and the receiving into storage of rough Southern rice from the maximum hours provisions of the Fair Labor Standards Act of 1938 as a branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526, as amended, of the Regulations issued thereunder, and Whereas, it appears from said application and upon further investigation that:

(1) Southern rice is harvested in Louisiana, Texas, Arkansas, and other southern states commencing about September 15 each year and continuing until around December 1, and

(2) Such Southern rice is threshed immediately after harvesting and except for a negligible portion which is stored on the farm, it is at once delivered to mill warehouses and other warehouses for storage, to avoid deterioration from sun and rain, and

(3) Amounts substantially in excess of 50 per cent of the total annual receipts of such Southern rice are moved to storage and received into storage at mill warehouses and other warehouses during the harvesting season of approximately ten weeks.

Now, therefore, upon consideration of the facts stated in the said application and upon further investigation, the Administrator hereby determines, pursuant to § 526.5 (c) of the Regulations, that a *prima facie* case has been shown for the granting of an exemption, pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the Regulations to the movement to storage and the receiving into storage of rough Southern rice as an industry of a seasonal nature.

In accordance with the procedure established by § 526.5 (c) of the Regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

This application may be examined at Room 5220, United States Department of Labor Building, Washington, D. C.

Signed at Washington, D. C., this 11th day of July 1940.

PHILIP B. FLEMING,  
Administrator.

[F. R. Doc. 40-2896; Filed, July 11, 1940;  
4:24 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5885]

INVESTIGATION OF THE DIFFERENCES IN CHARGES, PRACTICES, CLASSIFICATIONS, AND REGULATIONS OF GLOBE WIRELESS, LTD.

APPLICABLE FROM NEW YORK TO HAVANA, CUBA, AND FROM OTHER GLOBE POINTS TO HAVANA, CUBA

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of July, 1940.

Whereas, Globe Wireless, Ltd. has recently filed and put into effect certain revised pages of its tariff F.C.C. No. 11 which reduce from 15 cents to 11 cents per word the rate for full rate messages and also reduce per word rates for all other classes of messages from New York to Havana, Cuba; change provisions relating to charges for minimum words in radio letters (NLT) from New York to Havana, Cuba; and reduce ordinary press rates from San Francisco, Seattle, and Los Angeles to Havana, Cuba; and

Whereas, the rates to Havana from other points served by Globe Wireless, Ltd. have not been reduced proportionately; and whereas, unjust or unreasonable discrimination in charges, or undue or unreasonable prejudice or disadvantage to persons, classes of persons, or localities in or around other points served by Globe Wireless, Ltd. may result;

It is ordered, That the Commission, upon its own motion and without formal pleadings, enter upon an investigation into and concerning the differences in charges, practices, classifications, and regulations of Globe Wireless, Ltd. for and in connection with public message telegraph traffic from New York to Havana, Cuba, on the one hand and from all other points served by Globe Wireless, Ltd. to Havana, Cuba, on the other hand; and ordinary press message telegraph traffic from New York, San Francisco, Seattle and Los Angeles to Havana on the one hand and from all other points

served by Globe Wireless, Ltd. to Havana on the other hand, with a view to determining whether such charges, practices, classifications, regulations, or any of them, are unjustly or unreasonably discriminatory, prejudicial, or disadvantageous to or against any person, class of persons or locality, or in any respect in violation of law and of making such findings and orders in the premises and of prescribing such lawful charges, practices, or regulations, or taking such other and further action as the facts and circumstances may appear to warrant;

It is further ordered, That Globe Wireless, Ltd. be, and it is hereby made, a party respondent to this proceeding and that a copy of this order be forthwith served upon said Company, and that notice to the public be given by posting a copy in the office of the secretary of the Commission and by publication in the FEDERAL REGISTER.

It is further ordered, That this proceeding be designated for hearing at such times and places as the Commission may hereafter direct.

By the Commission,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-2904; Filed, July 12, 1940;  
11:23 a. m.]

## FEDERAL POWER COMMISSION.

[Docket No. IT-5469]

IN THE MATTER OF PACIFIC POWER & LIGHT COMPANY AND INLAND POWER & LIGHT COMPANY

ORDER FIXING DATE OF HEARING

JULY 9, 1940.

Upon the joint application filed June 11, 1937, by Pacific Power & Light Company and its subsidiary, Inland Power & Light Company, for approval of the transfer of all the property, rights, licenses and assets of Inland Power & Light Company to Pacific Power & Light Company, including such transfer of Federal Power Commission licenses for power projects designated Project No. 308 and Project No. 935; and

It appearing to the Commission that:

Upon the petition of the applicants, filed in the United States Circuit Court of Appeals for the Ninth Circuit pursuant to Section 313 (b) of the Federal Power Act, said court on May 8, 1940, set aside the Commission's order of December 14, 1937, denying said application and returning the matter to the Commission for further consideration in harmony with the Court's opinion (*Pacific Power & Light Co. et al. v. Federal Power Commission*, 111 F. (2d) 1014);

The Commission, having further considered the matter in the light of said opinion of May 8, 1940, of the United

States Circuit Court of Appeals for the Ninth Circuit orders that:

A public hearing in the above entitled proceeding be held on September 9, 1940, at 10 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., for the purpose of affording the applicants and the Commission's staff further opportunity to introduce evidence and submit arguments on the issues raised by said application.

By the Commission,

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 40-2899; Filed, July 12, 1940;  
9:25 a. m.]

## RAILROAD RETIREMENT BOARD.

STATUS OF NATIONAL CARLOADING CORPORATION, UNIVERSAL CARLOADING & DISTRIBUTING COMPANY, INC., AND OF INDIVIDUALS WHO HAVE BEEN ENGAGED IN THE PERFORMANCE OF THE OPERATION OF THOSE COMPANIES

NOTICE OF HEARINGS

Notice is hereby given to all persons interested that upon the request of one of the parties and pursuant to the authority vested in me by Board Order 40-26, adopted January 12, 1940, and as amended by Board Order 40-115, adopted March 7, 1940, the hearings in the above matters which have been set for July 22, 1940<sup>1</sup> at 10:00 A. M. at the offices of the Board in Washington, D. C., are postponed to July 31, 1940, at the same time and place.

JOSEPH A. FANELLI,  
Examiner.

Dated, July 11, 1940.

[F. R. Doc. 40-2900; Filed, July 12, 1940;  
10:30 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-5]

IN THE MATTER OF THE MIDDLE WEST CORPORATION AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1940.

The Commission having issued its Notice of and Order for Hearing in the within matter pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935; said Notice of and Order for Hearing having specified the 29th day of April, 1940, as the date of hearing, the Commission, by order of March 22,

<sup>1</sup> 5 F.R. 2155, June 7, 1940.

1940,<sup>1</sup> having postponed until June 28, 1940 the date for commencement of such hearing; The Middle West Corporation and certain of its subsidiary companies named in paragraph 2 of Part I of its answer filed herein (hereinafter referred to as "respondents") having filed on June 20, 1940 a request for further postponement of such hearing until July 29, 1940 and the Commission having denied such request by order of June 20, 1940; said respondents having renewed their request for postponement to July 29, 1940 by motion therefor made at the hearing on June 28, 1940; said respondents having also filed on June 28, 1940 a motion to vacate the order of June 26, 1940 appointing a trial examiner to hear evidence and for the Commission itself to sit and hear the evidence; and the Commission having duly considered said motions, and oral argument of counsel thereon made before the Commission of July 1,

<sup>1</sup> 5 F.R. 1192.

1940, and having filed its Memorandum Opinion in connection therewith:

*It is ordered,* (1) That the hearing shall reconvene before the trial examiner designated on the 29th day of July, 1940; (2) that such hearing shall be limited initially to the issues arising under section 11 (b) (1) of the Act with respect to Central and South West Utilities Company and American Public Service Company alone; jurisdiction being reserved to consider and dispose of all other issues presented by the Notice of and Order for Hearing herein in appropriate manner; and (3) that the motion to vacate the order appointing a trial examiner to hear evidence and for the Commission itself to sit and hear evidence be, and the same hereby is, denied.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-2902; Filed, July 12, 1940;  
11:05 a. m.]

[File No. 70-65]

IN THE MATTER OF COMMUNITY POWER  
AND LIGHT COMPANY

ORDER CONSENTING TO WITHDRAWAL OF  
DECLARATION UNDER PUBLIC UTILITY  
HOLDING COMPANY ACT OF 1935 PURSU-  
ANT TO REQUEST OF DECLARANT

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of July, A. D. 1940.

Upon the request of Community Power and Light Company, a registered holding company, the Commission consents to the withdrawal of a declaration which such Company filed under Rule U-12B-1, and to that effect

It is so ordered.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-2901; Filed, July 12, 1940;  
11:05 a. m.]

